

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02219-BAH**

PUBLIC EMPLOYEES FOR ENVIRONMENTAL
RESPONSIBILITY v. U.S. ENVIRONMENTAL
PROTECTION AGENCY

Assigned to: Chief Judge Beryl A. Howell
Cause: 05:552 Freedom of Information Act

Date Filed: 09/25/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

**PUBLIC EMPLOYEES FOR
ENVIRONMENTAL
RESPONSIBILITY**

represented by **Paula Naomi Dinerstein**
PUBLIC EMPLOYEES FOR
ENVIRONMENTAL RESPONSIBILITY
962 Wayne Avenue
Suite 610
Silver Spring, MD 20910
(202) 265-7337
Fax: (202) 265-4192
Email: pdinerstein@peer.org
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. ENVIRONMENTAL
PROTECTION AGENCY**

represented by **Sean Michael Tepe**
U.S. DEPARTMENT OF JUSTICE
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2533
Fax: (202) 252-2599
Email: sean.tepe@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

April Denise Seabrook
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2525
Fax: (202) 252-2599
Email: april.seabrook@usdoj.gov
TERMINATED: 10/29/2018

Doris Denise Coles-Huff
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2557
Fax: (202) 252-2599
Email: doris.coles@usdoj.gov
ATTORNEY TO BE NOTICED

Jason Todd Cohen
U.S. DEPARTMENT OF JUSTICE
175 N Street, NE
Washington, DC 20002
202-514-0335
Fax: 202-616-4473

Date Filed	#	Docket Text
09/25/2018	<u>1</u>	COMPLAINT against PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY, ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 400 receipt number 0090-5704787), CIVIL COVER SHEET by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Attachments: # <u>1</u> Exhibit Ex A – FOIA Request, # <u>2</u> Exhibit Ex B – Request for Clarification, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons)(Dinerstein, Paula) (Entered: 09/25/2018)
09/27/2018		Case Assigned to Chief Judge Beryl A. Howell. (zsb) (Entered: 09/27/2018)
09/27/2018	<u>2</u>	SUMMONS (3) Issued Electronically as to U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 09/27/2018)
09/27/2018	<u>3</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on September 27, 2018. (lcbah1) (Entered: 09/27/2018)
10/26/2018	<u>4</u>	Consent MOTION for Extension of Time to File Answer by U.S. ENVIRONMENTAL PROTECTION AGENCY (Seabrook, April) (Entered: 10/26/2018)
10/26/2018		MINUTE ORDER (paperless) GRANTING the defendant's <u>4</u> Consent Motion for Extension of Time to File Answer, and Memorandum in Support Thereof and DIRECTING the defendant to file any responsive pleading by November 15, 2018. Signed by Chief Judge Beryl A. Howell on October 26, 2018. (lcbah1) (Entered: 10/26/2018)
10/26/2018		Set/Reset Deadlines: Defendant's Answer due by 11/15/2018. (tg) (Entered: 10/26/2018)
10/29/2018	<u>5</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Jason Todd Cohen on behalf of U.S. ENVIRONMENTAL PROTECTION AGENCY Substituting for attorney April Denise Seabrook (Cohen, Jason) (Entered: 10/29/2018)
11/15/2018	<u>6</u>	ANSWER to Complaint by U.S. ENVIRONMENTAL PROTECTION AGENCY.(Cohen, Jason) (Entered: 11/15/2018)
11/29/2018	<u>7</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Cohen, Jason) (Entered: 11/29/2018)
11/29/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>7</u> Joint Status Report, the parties to submit a joint status report by January 7, 2019. Signed by Chief Judge Beryl A. Howell on November 29, 2018. (lcbah1) (Entered: 11/29/2018)
11/29/2018		Set/Reset Deadlines: Joint Status Report due by 1/7/2019. (tg) (Entered: 11/29/2018)
01/04/2019	<u>8</u>	MOTION to Stay by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris) (Entered: 01/04/2019)
01/04/2019	<u>9</u>	NOTICE of Consent to Motion to Stay by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY (Dinerstein, Paula) (Entered: 01/04/2019)
01/07/2019		MINUTE ORDER (paperless) STAYING, upon consideration of the defendant's <u>8</u> Motion for a Stay of All Proceedings in Light of Lapse of Appropriations and the plaintiff's <u>9</u> Notice of Consent to Motion for Stay of All Proceedings in Light of Lapse of Appropriations, this case and ORDERING the parties to file, within two business days of Congress appropriating funds for the defendant, a joint status report. Signed by Chief Judge Beryl A. Howell on January 7, 2019. (lcbah1) (Entered: 01/07/2019)
01/29/2019	<u>10</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Cohen, Jason) (Entered: 01/29/2019)

01/29/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>10</u> Joint Status Report, the parties to submit a joint status report by March 1, 2019. Signed by Chief Judge Beryl A. Howell on January 29, 2019. (lcbah1) (Entered: 01/29/2019)
01/30/2019		Set/Reset Deadlines: Joint Status Report due by 3/1/2019. (tg) (Entered: 01/30/2019)
03/01/2019	<u>11</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Cohen, Jason) (Entered: 03/01/2019)
03/01/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>11</u> Joint Status Report, the parties to file a joint status report by April 1, 2019. Signed by Chief Judge Beryl A. Howell on March 1, 2019. (lcbah1) (Entered: 03/01/2019)
03/04/2019		Set/Reset Deadlines: Joint Status Report due by 4/1/2019. (tg) (Entered: 03/04/2019)
04/01/2019	<u>12</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Cohen, Jason) (Entered: 04/01/2019)
04/01/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>12</u> Joint Status Report, the parties to file a joint status report by May 1, 2019 proposing a production schedule of records responsive to the plaintiff's FOIA request. Signed by Chief Judge Beryl A. Howell on April 1, 2019. (lcbah1) (Entered: 04/01/2019)
04/02/2019		Set/Reset Deadlines: Joint Status Report due by 5/1/2019. (tg) (Entered: 04/02/2019)
05/01/2019	<u>13</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Cohen, Jason) (Entered: 05/01/2019)
05/01/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' agreed-upon production schedule, as reflected in the <u>13</u> Joint Status Report, the parties to file, by August 1, 2019, a joint status report advising the Court of the status of the defendant's response to the plaintiff's FOIA request and proposing a schedule for any further proceedings. Signed by Chief Judge Beryl A. Howell on May 1, 2019. (lcbah1) (Entered: 05/01/2019)
05/01/2019		Set/Reset Deadlines: Joint Status Report due by 8/1/2019. (tg) (Entered: 05/01/2019)
08/01/2019	<u>14</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Cohen, Jason) (Entered: 08/01/2019)
08/01/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>14</u> Joint Status Report, the parties to file, by September 30, 2019, a joint status report advising the Court of any issues in dispute and proposing a schedule for dispositive briefing. Signed by Chief Judge Beryl A. Howell on August 1, 2019. (lcbah1) (Entered: 08/01/2019)
08/01/2019		Set/Reset Deadlines: Joint Status Report due by 9/30/2019. (tg) (Entered: 08/01/2019)
09/23/2019	<u>15</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Cohen, Jason) (Entered: 09/23/2019)
09/23/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>15</u> Joint Status Report, the parties to file, by November 14, 2019, a joint status report advising the Court of any issues in dispute and proposing a schedule for dispositive briefing. Signed by Chief Judge Beryl A. Howell on September 23, 2019. (lcbah1) (Entered: 09/23/2019)
09/24/2019		Set/Reset Deadlines: Joint Status Report due by 11/14/2019. (tg) (Entered: 09/24/2019)
11/14/2019	<u>16</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Cohen, Jason) (Entered: 11/14/2019)
11/14/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>16</u> Joint Status Report, the parties to file, by January 13, 2020, a joint status report advising the Court of any issues in dispute and proposing a schedule for dispositive briefing. Signed by Chief Judge Beryl A. Howell on November 14, 2019. (lcbah1) (Entered: 11/14/2019)

11/14/2019		Set/Reset Deadlines: Joint Status Report due by 1/13/2020. (tg) (Entered: 11/14/2019)
12/30/2019	<u>17</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Sean Michael Tepe on behalf of U.S. ENVIRONMENTAL PROTECTION AGENCY Substituting for attorney Jason Cohen (Tepe, Sean) (Entered: 12/30/2019)
01/13/2020	<u>18</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Tepe, Sean) (Entered: 01/13/2020)
01/13/2020		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>18</u> Joint Status Report, the parties to file, by March 13, 2020, a joint status report advising the Court of any issues in dispute and proposing a schedule for dispositive briefing. Signed by Chief Judge Beryl A. Howell on January 13, 2020. (lcbah1) (Entered: 01/13/2020)
01/14/2020		Set/Reset Deadlines: Joint Status Report due by 3/13/2020. (hmc) (Entered: 01/14/2020)
03/13/2020	<u>19</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Tepe, Sean) (Entered: 03/13/2020)
03/16/2020		MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>19</u> Joint Status Report & Proposed Briefing Schedule, the following SCHEDULING ORDER: (1) by May 6, 2020, the defendant shall file its motion for summary judgment; (2) by June 5, 2020, the plaintiff shall file a combined opposition to the defendant's motion for summary judgment and cross-motion for summary judgment; (3) by July 6, 2020, the defendant shall file a combined opposition to the plaintiff's cross-motion for summary judgment and reply in support of its motion for summary judgment; (4) by August 5, 2020, the plaintiff shall file its reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on March 16, 2020. (lcbah1) (Entered: 03/16/2020)
03/16/2020		Set/Reset Deadlines: Summary judgment motion due by 5/6/2020; cross-motion and opposition to motion for summary judgment due by 6/5/2020; opposition to cross-motion and reply to opposition to motion for summary judgment due by 7/6/2020; reply to opposition to cross-motion due by 8/5/2020. (tg) (Entered: 03/16/2020)
04/28/2020	<u>20</u>	Consent MOTION to Revise Briefing Schedule by U.S. ENVIRONMENTAL PROTECTION AGENCY (Tepe, Sean) Modified event on 4/29/2020 (znmw). (Entered: 04/28/2020)
04/28/2020		MINUTE ORDER (paperless) GRANTING the defendant's <u>20</u> Consent Motion to Revise Briefing Schedule and ISSUING the following SCHEDULING ORDER: (1) by May 29, 2020, the defendant shall file its motion for summary judgment; (2) by June 29, 2020, the plaintiff shall file a combined opposition to the defendant's motion for summary judgment and cross-motion for summary judgment; (3) by July 29, 2020, the defendant shall file a combined opposition to the plaintiff's cross-motion for summary judgment and reply in support of its motion for summary judgment; (4) by August 21, 2020, the plaintiff shall file its reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on April 28, 2020. (lcbah1) (Entered: 04/28/2020)
04/29/2020		Set/Reset Deadlines: Summary judgment motion due by 5/29/2020; cross-motion and opposition to motion for summary judgment due by 6/29/2020; opposition to cross-motion and reply to opposition to motion for summary judgment due by 7/29/2020; reply to opposition to cross-motion by 8/21/2020. (tg) (Entered: 04/29/2020)
05/29/2020	<u>21</u>	MOTION for Summary Judgment by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Orme-Zavaleta, # <u>3</u> Text of Proposed Order)(Tepe, Sean) (Entered: 05/29/2020)
06/29/2020	<u>22</u>	Consent MOTION for Briefing Schedule by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY (Dinerstein, Paula) (Entered: 06/29/2020)
06/30/2020		MINUTE ORDER (paperless) GRANTING the plaintiff's <u>22</u> Consent Motion to Revise Briefing Schedule and ISSUING the following SCHEDULING ORDER: (1)

		by July 6, 2020, the plaintiff shall file a combined opposition to the defendant's motion for summary judgment and cross-motion for summary judgment; (2) by August 6, 2020, the defendant shall file a combined opposition to the plaintiff's cross-motion for summary judgment and reply in support of its motion for summary judgment; (3) by August 28, 2020, the plaintiff shall file its reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on June 30, 2020. (lcbah1) (Entered: 06/30/2020)
06/30/2020		Set/Reset Deadlines: Cross-motion and opposition to motion for summary judgment due by 7/6/2020; opposition to cross-motion and reply to opposition to motion for summary judgment due by 8/6/2020; reply to opposition to cross-motion due by 8/28/2020. (ztg) (Entered: 06/30/2020)
07/06/2020	<u>23</u>	Cross MOTION for Summary Judgment by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY (Attachments: # <u>1</u> Declaration of Kevin Bell, # <u>2</u> Statement of Facts and Genuine Issues, # <u>3</u> Text of Proposed Order)(Dinerstein, Paula) (Entered: 07/06/2020)
07/06/2020	<u>24</u>	Memorandum in opposition to re <u>21</u> MOTION for Summary Judgment <i>and Cross Motion</i> filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Attachments: # <u>1</u> Declaration of Kevin Bell, # <u>2</u> Statement of Facts and Genuine Issues, # <u>3</u> Text of Proposed Order)(Dinerstein, Paula) (Entered: 07/06/2020)